

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thorsten Zank et al.

Application No.: 10/566,944

Confirmation No.: 5346

Filed: February 22, 2006

Art Unit: 1638

For: METHOD FOR THE PRODUCTION OF
MULTIPLE-UNSATURATED FATTY ACIDS
IN TRANSGENIC ORGANISMS

Examiner: Elizabeth F. McElwain

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the restriction requirement set forth in the Office Action mailed March 18, 2009, Applicants provisionally elect Group I, claims 1-11, drawn to a process of producing fatty acids, and $\Delta 6$ -desaturase (SEQ ID NO: 23) and $\Delta 6$ -elongase (SEQ ID NO: 27) for parts (a) and (b) of claim 1, respectively, with traverse. Applicants believe that there is no undue burden on the Examiner to search and examine all Groups together.

Alternatively, Applicants believe that there is no undue burden on the Examiner to search and examine all the claims in Groups I-IV together because the same art relevant to the process recited in Group I would be also relevant to the oil produced by said process (Group II) or the products comprising said oil so produced (Group IV). Similarly, the same art relevant to the process recited in Group I would be also relevant to a process to mix the oil so produced by said process (Group III). Because the same art and field of search would be relevant to all the claims included in those Groups, there would be no undue burden on the Examiner to examine at least claims 1-15 together. Accordingly, Applicants respectfully request that the Examiner reconsider the restriction requirement and examine in one application at least claims 1-15.

Applicants reserve all rights to pursue the non-elected subject matter in one or more divisional application.

Additionally, Applicants enclose herewith a copy of the English translation of the International Preliminary Report on Patentability issued in the corresponding international application. The references cited therein have been previously submitted to the Patent and Trademark Office.

This response is filed within the one month period for response from the mailing of the Office Communication. No fee is believed due. However, if a fee is due, the Director is hereby authorized to charge our Deposit Account No. 03-2775, under Order No. 12810-00193-US from which the undersigned is authorized to draw.

Respectfully submitted,

By /s/ Hui-Ju Wu
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